



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Authorize City Clerk to Grant Application for Leave to Present Late Claim, filed on behalf of Leandra Romero, a minor, pursuant to Government Code section 911.6(b)(2) and Authorize City Clerk to Deny Applications for Leave to Present Late Claims, filed on behalf of Carlos Romero and Adriana Romero pursuant to Government Code section 911.6(a)

**MEETING DATE:** January 20, 2010

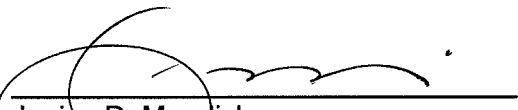
**PREPARED BY:** Deputy City Attorney

**RECOMMENDED ACTION:** Authorize City Clerk to Grant Application for Leave to Present a Late Claim, filed on behalf of Leandra Romero, a minor, pursuant to Government Code section 911.6(b)(2) and Authorize City Clerk to Deny Applications for Leave to Present Late Claims, filed on behalf of Carlos Romero and Adriana Romero pursuant to Government Code section 911.6(a).

**BACKGROUND INFORMATION:** Applications for Leave to Present Late Claims were filed with the City Clerk on behalf of Leandra Romero, a minor, and her parents Carlos Romero and Adriana Romero, pursuant to Government Code section 911.4 on December 31, 2009. The Applications were filed over one month after the expiration of the statutory period in which the claims were to have been filed, based on the May 21, 2009 date of loss. Government Code section 911.2 requires that claims against public entities, with limited exception, be filed within six months of the accrual of the action giving rise to the claim. Because applicant Leandra Romero is a minor, Government Code section 911.6(b)(2) requires that relief be granted to permit the filing of her claim so long as it is within one year of the accrual of the loss and applicant was a minor during all relevant time periods. Because applicant Leandra Romero qualifies for relief under Section 911.6(b)(2), it is recommended that the Council authorize the City Clerk to grant the Application and accept the claim of Leandra Romero, a minor, for filing effective December 31, 2009.

With regard to the applications of Carlos Romero and Adriana Romero, applicants failed to present any proof that one or more of the statutory grounds for the submittal of late claims applies to the applicants. Therefore, it is recommended that the Council authorize the City Clerk to deny the applications of Carlos Romero and Adriana Romero to file late claims pursuant to Government Code section 911.6(a).

**FUNDING:** Not Applicable.

  
Janice D. Magdich  
Deputy City Attorney

**APPROVED:**   
Blair King, City Manager